

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

VIETNAM VETERANS OF AMERICA, et
al.,

Plaintiffs,

v.

DEPARTMENT OF DEFENSE, et al.,

Defendants.

Case No. 17-cv-730-LJV

January 31, 2018

JOINT STATUS REPORT

All parties, through their respective counsel, hereby submit this Joint Status Report, as required by this Court's Order dated December 23, 2017, ECF No. 12, and by the Court's prior Order Granting Stay of Proceedings, ECF No. 10.

Background

Plaintiffs filed this action on August 1, 2017, seeking declaratory and injunctive relief relating to the Defendants' operation of the Servicemember Civil Relief Act Website ("SCRA Website"). Plaintiff Thomas Barden also sought damages under the Privacy Act and disclosure of certain records pursuant to the Freedom of Information Act.

The parties have been engaged in good faith discussions in an effort to resolve all or part of this matter without need for further litigation. The Court granted a stay of proceedings pending further order of the Court to permit the parties to continue to pursue a potential negotiated resolution of the case. ECF No. 10. That Order required the parties to submit a Joint Status Report to the Court every 30 days that informs the Court about the status of negotiations and whether the parties believe that further negotiations will be productive. *Id.*

The parties submitted their first Joint Status Report on December 20, 2017. ECF No. 11. The Court acknowledged receipt on December 23, 2017, and directed the parties to submit an updated report on January 31, 2018, which the parties construed as a brief extension of the existing 30-day deadline to report to the Court. ECF No. 12. In keeping with the prior Order, ECF No. 10, the parties expect to file their next Joint Status Report in 30 days, on Friday, March 2, 2018.

Status Report

The parties continue to have productive discussions regarding potential resolution of the case and continue to exchange information in response to one another's questions and concerns. Over the past month, Defendants provided to Plaintiffs detailed responses to Plaintiffs' proposals on most of the key issues in dispute in this lawsuit. Plaintiffs, in turn, are preparing to provide additional information to Defendants regarding aspects of their proposal. The parties had their most recent settlement discussion on January 26, 2018, and agreed at that time to continue exchanging information and to continue to work toward narrowing the issues in dispute and finding a mutually agreeable resolution. Both Plaintiffs and Defendants anticipate that there will be further productive discussions over the coming month.

Accordingly, the parties agree to maintain the stay of proceedings in order to permit continued negotiations toward a potential resolution of the case. The parties will submit an updated Joint Status Report on March 2, 2018, unless directed otherwise by the Court.

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Respectfully Submitted,

/s/ Jonathan Manes
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Dated: January 31, 2018